

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

NELSON GARCIA, JR.,

Petitioner,

v.

Case No. 20-CV-336-NJ

RANDALL HEPP,

Respondent.

ORDER RELEASING PETITIONER FROM CUSTODY

This court granted the petitioner's petition for a writ of habeas corpus on November 9, 2021 and ordered that he be released within 90 days unless the State of Wisconsin decided to retry him. The Court's order indicated that an appeal by the respondent would result in a stay.

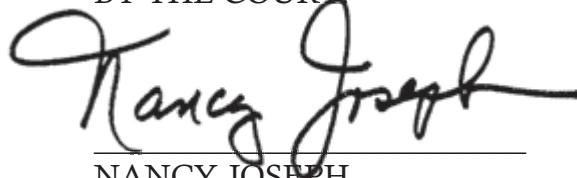
The respondent appealed. The United States Court of Appeals for the Seventh Circuit affirmed this Court's decision on April 25, 2023. The respondent filed a petition for a rehearing *en banc*, which was denied on May 31, 2023. The Seventh Circuit's mandate was issued on June 8, 2023.

On October 12, 2023, the petitioner filed a motion in this Court seeking his immediate release from custody. The respondent does not oppose that motion.

WHEREFORE, based on the foregoing, **IT IS HEREBY ORDERED** that the petitioner be released from the custody of Waupun Correctional Institution and the Wisconsin Department of Corrections forthwith.

Dated at Milwaukee, Wisconsin this 13th day of October, 2023.

BY THE COURT:

A handwritten signature in black ink, reading "Nancy Joseph". The signature is written in a cursive style with a large initial "N" and a long horizontal stroke at the end.

NANCY JOSEPH
United States Magistrate Judge